



General Assembly

February Session, 2022

***Raised Bill No. 420***

LCO No. 2953



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING THE STATE WORKFORCE AND  
DISCRIMINATION AND RETALIATION IN THE WORKPLACE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective January 1, 2023*) As used in this section and  
2       section 2 of this act:

3       (1) "Manager" means any managerial employee as defined in section  
4       5-270 of the general statutes;

5       (2) "Covered employee" means any employee, as defined in section 5-  
6       270 of the general statutes, other than a manager;

7       (3) "State employer" means any employer as defined in section 5-270  
8       of the general statutes; and

9       (4) "Discrimination" means any adverse action with respect to any  
10      employee taken in whole or in part due to the race, color, religious creed,  
11      sex, gender identity or expression, marital status, age, national origin,  
12      ancestry, status as a veteran, intellectual disability, mental disability,  
13      learning disability or physical disability.

14       Sec. 2. (NEW) (*Effective January 1, 2023*) (a) Each state employer shall  
 15       adopt a zero-tolerance policy for using managerial authority for  
 16       discrimination or retaliation against those who complain of  
 17       discrimination. Such policy shall: (1) Specifically forbid any manager  
 18       from retaliating or discriminating against an employee who complains  
 19       of discrimination; (2) include performance and other sanctions against  
 20       managers who dissuade or seek to dissuade employees from filing such  
 21       complaints; and (3) include performance and other sanctions against  
 22       managerial authorities who fail to objectively and fully investigate such  
 23       complaints consistent with identified procedures following an incident,  
 24       including, but not limited to, notifications to the complainant regarding  
 25       the status and outcome of the complaint investigation.

26       (b) Each state employer shall assure that it is safe for employees to  
 27       formally or informally raise any complaint concerning the use of  
 28       managerial authority in violation of the provisions of subsection (a) of  
 29       this section. No state employer shall take or threaten to take any  
 30       personnel action, or otherwise discriminate against, any employee  
 31       because such employee has formally or informally raised such  
 32       complaint.

33       (c) Any state employer who takes any action against a covered  
 34       employee in violation of this section shall be deemed to have committed  
 35       a discriminatory employment practice, as defined in section 46a-60 of  
 36       the general statutes, and to be in violation of section 31-51m of the  
 37       general statutes. Any employee who brings any action under any of  
 38       these sections may recover, in addition to all other damages available  
 39       under such section, triple damages for any employment losses.

40       (d) Discharge or other termination of any employee in violation of  
 41       this section shall be conclusively presumed to create irreparable harm  
 42       for purposes of any temporary or permanent injunction action that may  
 43       be brought to redress such violation, and it shall be irrebuttably  
 44       presumed that there is not adequate remedy at law. The doctrine of  
 45       exhaustion of administrative remedies shall not apply in any action to  
 46       redress a discharge or other termination of employment. Any required

47 initial notice for any action under this section shall include the  
48 Connecticut Commission on Human Rights and Opportunities and the  
49 commission may intervene as a matter of right in any such proceeding.

50       Sec. 3. (NEW) (*Effective January 1, 2023*) (a) There is established an  
51 Office of the Racial Justice Ombudsperson that shall: (1) Establish  
52 common working definitions for all key terms and descriptors to lay the  
53 foundation for the work; (2) institute a diverse slate initiative that  
54 requires Black or African American and Hispanic or Latinx not simply  
55 be among those considered, but prioritized for interviews for roles or  
56 positions using an external or internal hiring or promotional process  
57 that would require the hiring manager, or entity, to screen and interview  
58 all candidates using a standard antiracist screening and interview  
59 protocol that scores applicant answers; (3) create a structure or  
60 mechanism for the delivery of antiracism and bias trainings to all state  
61 employees, managers, state vendors and consultants; (4) track  
62 participation in such trainings in a manner that facilitates  
63 disaggregation of the data by position or title, length of state service and  
64 demographic profile; (5) design a culture and climate survey to assess  
65 the physical, racial, linguistic and cultural safety of all persons in an  
66 agency, and the extent to which each person feels valued and believes  
67 the agency's policies and practices are equitable and just; (6) submit a  
68 theory of action and plan for making constant progress towards  
69 eliminating systemic racism in state government, and implementing  
70 strategies and structures to maintain a workplace that (A) affords  
71 physical, racial, linguistic and cultural safety, and (B) privileges the  
72 ability of all employees to challenge racism and aggressions; (7) assure  
73 that all employees get a full and fair hearing of grievances, without fear  
74 of retaliation, and assure fair and racially just outcomes; (8) foster a  
75 workplace where managerial authorities are accountable to lead and  
76 model antiracist practices and make changes needed to ensure an  
77 antiracist, equitable workplace for all; (9) track and review the  
78 performance review process and protocols, as well as performance  
79 reviews, to identify discrepancies between white workers and black and  
80 brown workers in terms of education, time in position, job education

81 provided, opportunities for professional development and growth to  
 82 immediately create remediation plans to address racial disparities; (10)  
 83 analyze and recommend solutions to hiring, training and promotion  
 84 practices which have resulted in ten thousand-dollar-pay differentials  
 85 between black and white workers; (11) focus on specific and actionable  
 86 steps that those with supervisory or managerial authority can  
 87 implement within their workplace to eliminate their unconscious or  
 88 conscious racial biases; and (12) review complaints and discipline  
 89 administered and recommend remediation plans where evidence of  
 90 disparate discipline, responses to complaints and manner of  
 91 investigation differed by employee race.

92 (b) (1) The Racial Justice Ombudsperson shall (A) be appointed by a  
 93 mutual agreement of the State Employees Bargaining Agent Coalition  
 94 Racial Justice Committee and the Governor, and (B) be an expert in  
 95 matters relating to the history, root causes, manifestations and  
 96 persistent effects of racism.

97 (2) The Racial Justice Ombudsperson shall report to a joint committee  
 98 consisting of (A) the State Employees Bargaining Agent Coalition Racial  
 99 Justice Committee, (B) the Governor, or the Governor's designee, and  
 100 (C) the joint standing committee of the General Assembly having  
 101 cognizance of matters relating to public employees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2023</i>	New section
Sec. 2	<i>January 1, 2023</i>	New section
Sec. 3	<i>January 1, 2023</i>	New section

Section 1	<i>January 1, 2023</i>	New section
Sec. 2	<i>January 1, 2023</i>	New section
Sec. 3	<i>January 1, 2023</i>	New section

**Statement of Purpose:**

To implement a state-level policy that prohibits managerial or supervisory authorities from retaliating or discriminating against an employee who complains about discrimination.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

